

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:06CR22

RICKY LAMONT FRINK,
a/k/a "Pretty Ricky"

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to conspiracy to possess and distribute more than fifty grams of cocaine base and knowingly using and carrying a firearm in furtherance of a drug crime, in violation of 21 U.S.C. §§ 846; 841(a)(1) and (b); 18 U.S.C. § 924(c), respectively. Defendant is also charged with possession of cocaine base with intent to distribute, multiple counts of being a felon in possession of a firearm, two additional counts of use of a firearm in relation to a drug crime, transfer of a rifle less than twenty-six inches in length, maintaining a drug-involved premises, and tampering with a witness, all in violation of various sections of the United States Code. Defendant understands that these charges will be dismissed upon acceptance of his guilty plea, and the United States confirmed defendant's understanding.

Defendant was represented by appointed counsel, Jeffrey Shaw, Esquire. On April 12, 2006, defendant appeared before the Court for the

purpose of entering his guilty pleas. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to custody, pending completion of a presentence report.

Defendant is twenty-six years of age, attended school to the eleventh grade but has not yet acquired a GED, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b) (1) (B).

/s/
James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

April 14, 2006

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of the following:

Jeffrey Shaw, Esquire
Federal Public Defender's Office
Town Point Center, Ste. 403
150 Boush Street
Norfolk, VA 23510

Jessica Norris, Esquire
Assistant United States Attorney
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510

Elizabeth H. Paret, Clerk

By _____
Deputy Clerk

_____, 2006